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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,444	05/31/2001	Thomas W. Nickerson	1958.2010-000(OID-2001-02	8887
21005	7590	08/26/2004	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,444

Applicant(s)

NICKERSON, THOMAS W.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 26-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-27 are presented for examination with claims 1, 7, 13, 19, 20, and 25-27 independent.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-25, drawn to a dynamic content retrieval system , classified in class 709, subclass 219.
 - II. Claims 26 and 27, drawn to dynamic version content management system, classified in class 707, subclass 203.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as lacking a cache storing different versions of content having the same address but different unique identifiers. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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6. During a telephone conversation with Mr. Rodney Johnson on August 9, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26 and 27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-8, 12-14, 18-20, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (USPN 5,740,430) (hereinafter Rosenberg).

8. Referring to claim 1, Rosenberg discloses a method for displaying dynamic page content in a page-caching browser, comprising:

specifying an address to stored content (Figure 3, reference character 80; col. 5, lines 5-15);

appending a unique identifier to the address (Figure 3, reference character 83; col. 5, lines 5-15, 30-33);

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requesting the content with the address and the appended identifier (the CURL as it is called in the reference is sent back to the client as a redirection request) (Figure 3, reference character 84; col. 5, lines 20-35); and

transmitting the content request to retrieve the stored content regardless of whether there is cached content associated with the address (Figure 3, reference character 88).

9. Referring to claim 2, Rosenberg discloses the address includes a URL (col. 5, lines 30-33).

10. Referring to claim 6, Rosenberg discloses the unique identifier is an alphanumeric representation (i.e. page X, Browser Y) (col. 5, lines 30-33).

11. Claims 7-8, 12-14, 18-20, and 24 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 9-11, 15-17, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg.

13. Referring to claim 3, Rosenberg discloses the invention substantively as described in claim 2. Rosenberg does not specifically state that the address includes a query string, however Rosenberg does disclose that the URL is in the Standard HTTP request protocol. It is well known that an HTTP request in itself is, in fact, a query string, since HTTP is a stateless protocol, determining if the file is present on the server can only be done by the client if the server returns an error message stating that the file is not there, by this rationale it is understood that the URL is a query string and would have been obvious to one of ordinary skill in the art to consider it so. Furthermore other attributes may be added to the HTTP GET request such as IF-MODIFIED-SINCE, and others well known in the art.

14. Referring to claims 4 and 5, Rosenberg discloses the invention substantively as described in claim 2. Rosenberg does not specifically state the identifier is a random number or a time stamp, however it is well known that TCP/IP, a widely known transport protocol for HTTP, can store session identifiers which can be randomly assigned by the server and based on a time stamp as to when the session was created in order to properly transmit the entire resource back to the client in order to properly determine which incoming packets are pertaining to which resource and in which order. By this rationale it would have been obvious to one of ordinary skill in the art to consider the

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unique identifiers as random numbers or a time stamp, since it would allow the packets to be associated with one another, thereby ensuring the proper delivery of the resource.

15. Claims 9-11, 15-17, and 21-23 are rejected for similar reasons as stated above.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg in view of Mann et al. (USPN 6,742,126) (hereinafter Mann).

16. Referring to claim 25, Rosenberg discloses the invention substantively as described in claim 1, Rosenberg does not disclose that the client appends a unique identifier to the address, rather a front-door program 49, does it and redirects the request back to the client. In analogous art, Mann discloses another system for displaying dynamic page content in which the client appends a unique identifier to the address (col. 5, lines 56-59). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mann with Rosenberg in order to allow host computers to differentiate between multiple clients submitting identical identifying information during overlapping sessions as supported by Mann (col. 2, lines 11-19).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

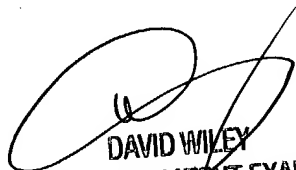
18. Berstis et al. (USPN 6,510,458) discloses blocking saves to web browser cache based on content rating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
August 9, 2004


DAVID WILEY
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